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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,488	06/26/2001	Kuan-Lin Peng	MR2349-657	9103

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EXAMINER

BUI, BING Q

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/888,488

Applicant(s)

PENG, KUAN-LIN

Examiner

Bing Q Bui

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-11 are pending in the application for examination.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Koike (US Pat No. 6,201,867).

Regarding claim 1, referring to Fig 1, Koike teaches a protective mask (e.g., body cover "3") of mobile phone (e.g., portable telephone body "2"), comprising:

an upper cover body having a plurality of flanges (see fig 1, element "4" and col.

2, lns 49-60); and

a lower cover body having a gap (see fig 1, element "5" and col. 2, lns 49-60);

whereby said upper and lower cover bodies can sheathe a mobile phone therein, said flanges of said upper cover body can be joined at the edge of a front phone housing of said mobile phone, said lower cover body can be

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joined with a rear phone housing of said mobile phone, and said gap of said lower cover body is used to conveniently retain an antenna of said mobile phone (see figs 1-2, and col. 2, ln 49-col. 3, ln 15).

Regarding claim 3, referring to Fig 1, Koike teaches protective mask of mobile phone as claimed in claim 1, wherein finger recessions are respectively disposed at two sides of said lower cover body so that a user can conveniently separate said mobile phone to replace said mobile phone or a battery thereof (see fig 1, and col. 2, ln 49-col. 3, ln 15).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 4-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koike (US Pat No. 6,201,867).

As to claims 2, 8 and 11, Koike differs from claimed invention in which it does not teach patterns, types, or nameplates can be printed on the upper and lower cover bodies. However printing patterns, types, or nameplates on said upper and lower cover bodies would be a matter of ordinary engineering choice (MPEP, 716.01(a), 716.01(b) and 716.01(c), that fully relies on a normal capability of a person of ordinary skill in the art.

As to claims 4-7 and 10, As to claims 2, 8 and 11, Koike teaches the invention substantially as claimed that previously cited in rejection of claim1, with the exception of explicitly providing the lower cover body having a plurality of holes or cavities that are adopted for use earphone, function keys, charging battery and seeing incoming-call informing light, . However, modifying the lower cover provided by Koike for allocating holes or cavities corresponding to functional components of a portable telephone or mobile telephone that enables the telephone user to freely and conveniently access those functional components is fully relies on a normal capability of a person of ordinary skill in the art.

As to claim 9, referring to Fig 1, Koike teaches the protective mask of mobile phone as claimed in claim 7, wherein finger recessions are respectively disposed at two sides of said lower cover body so that a user can conveniently separate said mobile phone to replace said mobile phone or a battery thereof (see fig 1, and col. 2, ln 49-col. 3, ln 15).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art in general:

U.S. Pat. No. 6,591,088

U.S. Pub No. 2001/0034211 A1

U.S. Pub No. 2002/0193136 A1

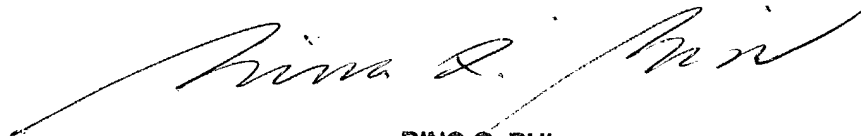
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (703) 308-5858. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 and for formal communications intended for entry (please label the response

EXPEDITED PROCEDURE ) or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

OCT 25, 2004

A handwritten signature in black ink, appearing to read 'Bing Q. Bui', written in a cursive style.

**BING Q. BUI**  
**PRIMARY EXAMINER**